

Freedom of Expression

Indonesia faces real threats on free speech rights

The Jakarta Post, 17-09-2016

Indonesia is internationally recognized as the world's third-largest democracy after India and the US. A regional NGO, however, has warned the nation of the return of restrictive practices massively implemented during Soeharto's era. According to data compiled from January 2015 to May 2016 by the Southeast Asia Freedom of Expression Network (SAFENET), there has been an increasing number of crackdowns on freedom of expression in both real life and on the internet. Starting from 2016, there have been at least four violations of freedom of expression each month, the data showed.

Meanwhile, in 2015, there were usually less than four violations each month. In total, there were 50 violations from January 2015 to May 2016. The highest increase occurred in May 2016, when as many as 14 violations were recorded.

"It was probably caused by lots of events held [in that month], such as the commemoration of the Papua referendum, May Day, World Press Freedom Day and 1998 May Tragedy Commemoration Day," SAFENET said.

According to the data, the violations came mostly in the form of the banning of film screenings, comprising 38 percent of the violations, followed by bannings of discussions or seminars at 30 percent.

Movies that got negative reactions were *Senyap* (Silent) with 10 bannings, *Pulau Buru Tanah Air Beta* with five, *Alkinemokiye* and *Samin vs Semen*, both with one. These movies were mostly banned when they were about to be screened on campuses.

Senyap, a groundbreaking documentary on the 1965 communist purge, created controversy after the Film Censorship Institute (LSF) banned the public screening of the movie, reasoning that it would lead viewers to sympathize with the Indonesian Communist Party (PKI) and communism in December 2014.

According to the data, Yogyakarta experienced the largest number of violations of freedom of expression with 28 percent, tainting the city's reputation as Indonesia's melting pot, where people from all ethnic, cultural and religious backgrounds live in harmony. There were only 12 cases in Jakarta.

Since its passing in 2008, the Electronic Information and Transaction (ITE) Law, which mandates criminal punishment for anyone who purposely and without authority distributes electronic information or documents with libelous or defamatory content, has criminalized 200 people.

The number of people criminalized has exploded in recent years, reaching 62 people in 2015, compared to just two in 2008, the data showed. 90 percent of the cases were defamation cases. "We believe that what's happening online is related to the repression happening in our daily lives," SAFENET regional coordinator Damar Juniarto told The Jakarta Post.

The state-sanctioned National Commission for Human Rights (Komnas HAM) played down the report, arguing Indonesia is much freer and more democratic now compared to the old era. Komnas HAM chairman Imdadun Rahmat said the state of freedom of expression in Indonesia in general is now much better compared to the New Order. Since the nation embarked on the reform movement 18 years ago, the government has taken several steps to uphold the freedom of speech and democracy, including through the implementation of the 1999 Press Law, the 1999 Human Rights Law, an amendment to the human rights provision in the Constitution and the ratifications of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

"However, there are still some problems, especially related to minority groups, including those from different religions, beliefs, sexual orientation and political groups," Imdadun told the Post.

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Social-economic Rights

Indonesia rejects U.S. research estimate of 100,000 'haze' deaths

Reuters, 20-09-2016

Harvard and Columbia university research showing smoke from land fires in Southeast Asia led to more than 100,000 premature deaths last year "makes no sense at all," an official at Indonesia's Health Ministry said on Tuesday.

Indonesian government records show only 24 deaths related to forest fires in 2015, but the disaster was estimated to have left more than half a million Indonesians suffering from respiratory ailments.



An aerial view of a forest fire burning near the village of Bokor, Meranti Islands regency, Riau province, Sumatra, Indonesia in this March 15, 2016 file photo taken by Antara Foto. REUTERS/ Rony Muharrman/Antara Foto/Files

Indonesia is under global pressure to put an end to slash-and-burn land clearances for palm and pulp plantations which send clouds of toxic smoke over the region each year.

The university research estimates pollution exposure from last year's fires killed 91,600 people in Indonesia, 6,500 in Malaysia and 2,200 in Singapore in 2015 and 2016, significantly higher than government records.

Given the severe haze in Equatorial Asia in 2015, the 100,000 premature deaths in that region are not so surprising," said Loretta Mickley, a senior researcher at Harvard focusing on atmospheric pollution, who contributed to the research.

Health Ministry director general of disease prevention and control Mohamad Subuh told Reuters the research data was wrong. "Data on deaths is clear. We have surveillance," Subuh said, adding that the assumptions of mortality based on mathematical calculations were "irresponsible".

Every year, Indonesia faces criticism from its neighbors Singapore and Malaysia over the smog, euphemistically known as "haze", and its failure to stop the fires from being lit.

Last year's fires were among the worst in the region's history, with billions of dollars worth of environmental damage, weeks of flight and school disruptions and thousands suffering from respiratory disease.

Women's Rights

Indonesia launches new campaign to end female genital mutilation: minister

Reuters, 21-09-2016

Indonesia is embarking on a renewed campaign to end female genital mutilation (FGM), according to its women's minister Yohana Yembise, despite opposition from religious leaders who have stymied past efforts to combat a practice that is common.

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Home to the world's largest Muslim population, Indonesia tried to ban FGM a decade ago but opposition from influential Islamic clerics has meant it is still widely practiced.

Almost half of Indonesian girls aged 11 and under have undergone some form of FGM, the United Nations' children agency, UNICEF, said in February, citing government statistics from Indonesia for the first time in a global study of FGM. Read the full article: <http://www.reuters.com/article/us-indonesia-women-fgm-idUSKCN11R25Q>

Police accountability

Police reform measures

Kompas, 26-09-2016

Last week, the high commissioner (Komisaris Besar) of the Narcotics Brigade in Bali, Franky H Parapat was suspended. This is related to the reports by drug users that he would have extorted them. Crimes by police officers, especially in relation to narcotics, are in the focus of the police in their efforts to regain the trust with society. Members of the policeforce who violate the rules, violate the order of the Head of the Police, Tito Karnavian. "The struggle against drugs is our highest priority," Tito said last Friday.

Tito said that the suspension of the Head of the Bali drugs squad is result of the judgment by the Bali Provincial Head of Police. He said this punishment will be considered for any officer. Another case of a high police officer who will have to vacate his desk is Komisaris Besar Krishna Murti, now Deputy Head of the Provincial Police in Lampung, a function that he only last August started to serve. He will be succeeded by Komisaris Besar Banifasius Tampol whom he just now replaced.

Member of "Police Commission" that oversees the police, Pengky Indarty (also director of Imparsial) said that the change in Lampung is to be considered a demotion for Krishna Murti, as well as the suspension of Franky parapat is a punishment. She stressed that also a criminal investigation is necessary, additional to the internal integrity procedure. A heavy measure against culprits is a clear signal to other officers, she said.

Political developments

Govt calls for competing parties to respect regional elections law

The Jakarta Post, 25-09-2016

The government has called on all parties that are taking part in the 2017 regional elections to respect the law and its procedures in order to ensure an accountable and democratic vote.

Coordinating Political, Legal and Security Affairs Minister Wiranto said as long as the candidates were willing to compete fairly, the organizers remained transparent and the voters were not easily provoked during the whole process, the regional elections would run safely without obstacles. "This is a contest and those who have quality and are trusted by the public will win the election. So don't take unnecessary actions [that will cause trouble]," Wiranto said to journalists on Friday.

Since the elections were meant to provide better regional governments in provinces across the country, all stakeholders should take their respective responsibility seriously and obey the rules to maintain the security of the simultaneous regional elections scheduled for Feb. 15, 2017, Wiranto said. He asserted that all security officials, including police and military personnel, had been well prepared to guard and prepare preventive measures to secure the elections in 101 provinces across Indonesia. (ags)

The profiles of the Jakarta election contenders: Ahok, Agus, Anies

The Jakarta Post, 24-09-2016

Three pairs of candidates had registered at the Jakarta General Elections Commission (KPUD) when the poll body closed registration on Friday night.

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Incumbent Governor Basuki “Ahok” Tjahaja Purnama and Deputy Governor Djarot Saiful Hidayat will compete against the Anies Baswedan-Sandiaga Uno and Agus Harimurti Yudhoyono-Sylviana Murni tickets, which were announced at the 11th hour.

As the election has turned out to be a three-way race, it is expected to be a two-round contest as none of the candidates are seen as strong enough to garner more than 50 percent of the vote to win the February election, as stipulated by the 2007 Law on the Jakarta administration. The Kinship Coalition, which was set up to unseat Ahok, failed to agree on a single candidate and dropped its plan to defeat the incumbent in a head-to-head race.

The Gerindra Party and the Prosperous Justice Party (PKS) insisted on nominating former culture and education minister Anies Baswedan and businessman Sandiaga Uno. The other members of the coalition— the Democratic Party, the National Mandate Party (PAN), the National Awakening Party (PKB) and the United Development Party (PPP)— refused to back Anies and came up with their own candidates: Agus, the son of Dems chairman Susilo Bambang Yudhoyono, and Sylviana, Ahok’s assistant for tourism.

“We didn’t reject Sandi or Anies. But Sandi had been declared by Gerindra and the PKS, and we were not involved in the decision-making process. Anies also got a lukewarm response from our coalition,” Dems deputy chairman Syarif Hasan said.

Anies attended the Dems’ presidential convention for the 2014 election. The party, which had a lackluster performance in the 2014 legislative election, ended up not nominating anyone. Anies then joined the campaign team for Joko “Jokowi” Widodo, who was then still serving as Jakarta governor.

Anies’ nomination also came as a surprise as he is now backed by the political parties he fought against in the 2014 polls. He also crushed the hopes of former law and human rights minister Yusril Ilza Mahendra, who announced his gubernatorial bid long before Anies.

“Gerindra and the PKS had been trying to find figures that would be ready to serve [the city]. Anies and Sandiaga are neither Gerindra nor PKS members, but that wasn’t taken into consideration. We want candidates that can make changes in the city,” said Gerindra chairman Prabowo Subianto, who lost the presidential election to Jokowi.

Political analyst from the Indonesian Institute of Science (LIPI), Siti Zuhro, said the Jakarta election had become a battleground for political heavyweights: Yudhoyono, Prabowo and PDI-P chairwoman Megawati Soekarnoputri. Whoever wins the race, she said, will get a golden ticket for the 2019 presidential election. “It may be [a strategy] for the 2019 presidential election, because the parties’ important figures play important roles,” Siti said.

The latest polls have shown that the Ahok-Djarot pairing remains the ticket to beat, even though the polls say they would only secure around 40 percent of the vote in a head-to-head race.

Anies and Sandiaga have been touted as formidable contenders for Ahok. Both candidates have also been mentioned in many polls even though their electability ratings are still below that of the governor. Despite his lack of experience, Agus, analysts said, could become the dark horse of the election.

“It is not about Agus. He is relatively new in politics compared to Ahok and Anies. But given his background as the son of a former president, his electability rating may soon soar,” Sirajudin Abas, a researcher at Jakarta-based Saiful Mujani Research and Consulting (SMRC), told

The Jakarta Post on Friday. Given that all the candidates, including Agus, have the opportunity to attract voters from different partisan and demographic divides, the election will likely have another cycle. “I am sure nobody, including Ahok, who has topped many of the recent surveys, will be able to secure the 50 percent plus one votes [required in order to for the election to go through just one cycle].”

A survey revealed by pollster Poll-tracking Indonesia last week showed that Anies would be a serious contender for Ahok if he was paired with Sandiaga. In a match-up scenario between Ahok-Djarot versus Anies-Sandiaga, Ahok was favored by 37.95 percent of 400 respondents that participated in the survey. That survey showed that Anies-Sandiaga was edging closer to Ahok-Djarot’s ranking with 36.38 percent of respondents having chosen them. The survey also showed that under that head-to-head scenario, undecided voters amounted to 25.67 percent.

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Poll-tracking Indonesia executive director Hanta Yudha said during the release of the survey that Anies might beat Ahok in the election given his current electability rating. He said that, unlike Ahok, who declared his bid to run in the election last year, Anies had only been mentioned recently and therefore had not done anything to lure voters.

Law reform in impasse

Kompas, 24-09-2016

The law reform in Indonesia has come to a standstill. Many issues that have to be solved immediately, are postponed without any explanation. This statement was made by the member of the Presidential Advisory Board, (Dewan Pertimbangan Presiden, Wantimpres), Sidarto Danusubroto. He urged the government to find new ways, for instance by strengthening the powers of overseeing bodies like Komisi Yudisial (overseeing the judiciary), Komisi Kejaksaan (overseeing the prosecution office), and Komisi Kepolisian Nasional (overseeing the police). These three bodies can improve the service to the public and the protection of the rule of law. Sidarto added that the law reform problems is aggravated by the problem of corruption.

The law reform had been analysed in a meeting by President Joko Widodo with law practitioners at the Presidential palace, last Thursday. The President needed their input. As planned the government will publish a set of measures for law reform by October 2016.

The practitioners stated that some prioritizing is necessary. Responding the President's Staff member teten Masdukisaid that their input is additional to the documents that have already been prepared. Teten Masduk acknowledged that Indonesia does not perform well in comparison to other Southeast Asian countries in the field of law reform.

Artidjo followers

Kompas, 24-09-2016, by Dedi Haryadi, Deputy Secretary-general Transparansi Internasional Indonesia.

Tomorrow or the day after, Supreme Court Judge Artidjo Alkostar will leave his post, as his time is up. His judgments as President of the Supreme Court in corruption cases have generated, let's say, the "Artidjo effect". He was responsible for the strong punishments of

big corruptors, often coming from the political sphere. Even so that these corruptors did not want to submit their case for appeal before the Supreme Court, as there was a high risk they would receive a heavier sentence. That was the "Artidjo-effect".

We have to strengthen the "Artidjo-effect" and bring it to all levels of the judiciary. Two things are important here. First how we can transform this fear by corruptors also to the corruption cases within the Supreme Court itself – the effect should go beyond the personal opinion of Pak Artidjo and become institutionalized. Second how can we transform this fear to get a heavier sentence into a fear to be corrupt as such, to consider it as exploitation of the public at large. If all people would be afraid to be tried and sentenced, the corruption would diminish.

So, these two issues in the "Artidjo-effect" would be possible if we make clones of Artidjo and do it now. The longer we wait the more the judicial corruption will spread and in the end it will be impossible to reign in the corruption and find truth and justice anywhere.

The cloning does not have to be a physical cloning but in character. Five factors are making up for someone to be an "Artidjo-clone": professionalism, integrity, independence, guts and a lively heart. Professionalism, integrity and independence have often been mentioned in this regard. Strong and full daring – not being afraid of anyone or any situation in confronting the risks of your own safety and well-being is important for any judge. In the same way a lively heart is needed to give attention to what is most important. That is the ability to catch and reproduce the truth.

The classical question that comes up when reproducing (the quality of) good persons, is whether these people are born like that (nature) or whether they can be brought up in that direction (nurture). With our ability to create, feel and wish as we have it now, something that formerly was natural, can now be manipulated. In that way the strong courage and the lively heart – let alone the professionalism, the integrity and the independence can be developed by good education and training. (...)